

Appeal No. 2007-0813  
Application No. 10/774,451

*THIS OPINION WAS NOT WRITTEN FOR PUBLICATION*

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* EMAD EL HAJE

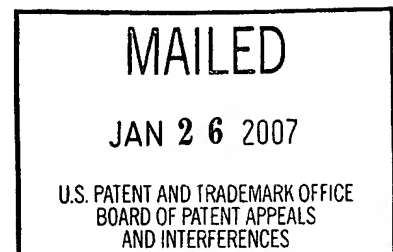
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ON BRIEF

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*ORDER REMANDING TO THE EXAMINER*

This application was received at the Board of Patent Appeals and Interferences on April 27, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

A review of the file indicates that an Examiner's Answer was mailed on July 14, 2006. The "Evidence Relied Upon" section states "[n]o evidence is relied upon by the examiner in the rejection of the claims under appeal." However, the Examiner's

Answer relies on several references. As stated in the Manual of Patent Examining Procedure § 1207.02 Rev. 3 (August. 2005) "Contents of Examiner's Answer:"

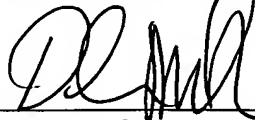
(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

Accordingly, it is

**ORDERED** that the application is returned to the examiner to:

- 1) vacate the Examiner's Answer mailed July 14, 2006 and issue a revised Examiner's Answer correcting the information for heading "Evidence Relied Upon" section;
- 2) have a complete copy of the revised Examiner's Answer scanned into the record; and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



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